

## **REMARKS**

The following remarks, taken together with the claim amendments listed herein, are provided in response to the Office Action communication dated July 3, 2007, in which the shortened period for response expired on October 3, 2007. Accordingly, Applicant petitions herewith for a three-month extension of time.

Applicant's claims 1-27 are currently pending in the above-identified patent application. Claims 1-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 5,485,255 (hereinafter "Mayaud") in view of United States Patent 6,283,761 (hereinafter "Joao"). Claim 13 is further rejected as being unpatentable over Mayaud and Joao in view of United States Patent 6,048,271 (hereinafter "Barcelou"). Applicant's new claims 28-30 have been added by way of this response for consideration by the Examiner.

In light of the foregoing rejections, Applicant has proposed amending the claims, as reflected under the heading Listing of Claims beginning on page 2 of this paper, in order to better distinguish the patentable subject matter of the claimed invention. In addition, Applicant submits the following remarks wherein the Examiner's rejections are respectfully traversed.

### **Rejection of the Claims under 35 U.S.C. § 103(a)**

In rejecting Applicant's independent claims 1 and 17, the Examiner asserts that all of the limitations recited in both of these claims are disclosed by the combined teachings of Mayaud and Joao. *Office Action, Pages 2-4*. Contrary to these assertions, Applicant respectfully submits that a pharmacy kiosk computer system coupled to a servicing pharmacy computer system, configured for real-time interaction between a customer and a live pharmacist to deliver pharmacy services, is neither shown nor suggested by Mayaud, Joao or their combined teachings.

### **Mayaud Reference**

Mayaud is directed at a data management system configured for generating product specific documents such as prescriptions. The data management system of Mayaud is described as being primarily tailored for assisting physicians in capturing into a prescription a patient condition-objective of a prescribed treatment, thereby providing an effective means for reviewing related drug information and creating more accurate prescriptions.

In rejecting Applicant's aforementioned independent claims, the Examiner asserts that a pharmacy computer system and a servicing pharmacy computer system, both having a conference arrangement and corresponding communication system, are sufficiently disclosed in the Abstract and Figure 1 of Mayaud. *Office Action, Page 2.* Applicant respectfully disagrees with this assertion. More specifically, Applicant submits that Mayaud does not disclose a "conference arrangement" suitable for enabling a live conferencing session between a customer and a pharmacist, as provided in Applicant's claimed invention. Rather, disclosed in the Abstract and Figure 1 of Mayaud is an onscreen physician-to-pharmacy e-mail option made available via the prescription creation system. E-mail, however, is not a conferencing arrangement that is considered to be an equivalent to that of a video or telephone conference arrangement, as provided in Applicant's claimed invention, in that the latter arrangements are conducted in real-time between participants.

In light of the foregoing, Mayaud fails to teach or suggest a system that is configured to provide a customer with a means for requesting real-time pharmacy services from a servicing pharmacy computer system having a live pharmacist at a location remote from the customer's location.

#### *Joao Reference*

Joao is also directed at a data management system. In Joao, the data management system is configured to provide an improved means for creating and managing healthcare records. For example, the data management system of Joao is useful for generating a diagnostic report containing information regarding a diagnosis based on symptom and condition data input into the system.

In rejecting Applicant's aforementioned independent claims, the Examiner asserts that the remaining limitations presented in connection with Applicant's claimed invention (i.e., those limitations that are not considered to be supported by the teachings of Mayaud) are disclosed in Joao. *Office Action, Page 4.* More specifically, the Examiner asserts that a system for providing pharmacy services to a customer at a location where a live pharmacist is not available, comprising the limitations of: (i) a kiosk including a videoconference arrangement; (ii) a document scanner; and (iii) the interconnection between the pharmacy kiosk computer system

and the servicing pharmacy computer system having a live pharmacist, are all disclosed in Joao. Applicant again respectfully submits that these assertions are unsubstantiated.

Similar to Mayaud, no where in the referenced sections of Joao is there a teaching or suggestion of providing a customer with a means for requesting real-time pharmacy services from a servicing pharmacy computer system having a live pharmacist. In column 15, lines 5-17 of Joao, as referenced by the Examiner, there is absolutely no mention of customer interaction with a live pharmacist at a servicing pharmacy computer system, let alone providing pharmacy type services to a requesting customer. In fact, the only disclosure provided by this section of the specification is the various types of computers that may be deployed and interconnected for use in the data management system of Joao. Joao simply fails to disclose a system configured to allow real-time customer interaction with a servicing pharmacy computer having a live pharmacist located remotely from the customer.

Moreover, Applicant submits that mere mention of a central processing computer (10) including a scanner and a video input device, as is disclosed in column 16, lines 8-12 of Joao, does not necessarily provide the underlying support needed to show Applicant's claimed invention. It is well known in the art that computers generally are capable of supporting a plurality of peripheral devices, such as a scanner or a video input device. The novelty presented in Applicant's claimed invention, however, is not the use of these individual computer components, but rather how the combination of these components are arranged and configured to provide a means for addressing a desired need in the pharmacy services realm.

In support of these submissions, Applicant respectfully requests that the Examiner take into consideration the following deficiencies in Joao:

- (i) there is no teaching of including a similar video input device, for example, with a patient computer (40) to establish a videoconferencing arrangement between the patient computer (40) and the central processing computer (10);
- (ii) there is no teaching of a patient using, for example, the patient computer (40) to request pharmacy services from the central processing computer (10); and

- (iii) the processes flowcharts illustrated in the drawing figures of Joao, along with corresponding sections of the specification, clearly describe a data management system that is primarily configured for managing healthcare records to generate corresponding reports and claim information tailored for use by healthcare individuals and institutions.

In light of the foregoing deficiencies, it is clear that Joao does not teach or lend any suggestion to establishing a system that is configured to provide a customer with a means for requesting real-time pharmacy services from a servicing pharmacy computer system having a live pharmacist at a location remote from the customer's location.

### **Conclusion**

Applicant's claimed invention has no relationship to data management systems configured for producing product specific documentation (Mayaud) or for facilitating the creation and management of healthcare records (Joao), as is described in the alleged prior art references. Rather, Applicant's claimed invention is directed to an interactive communication system that is configured to enable a real-time pharmacy services environment to be established between a customer and a live pharmacist. As such, the combined teachings of the aforementioned alleged prior art references are without merit.

Although Applicant does not necessarily dispute the potential motivating factor for combining the systems of Mayaud and Joao to achieve a more robust prescription creation or healthcare management system, Applicant submits that such a motivating factor is not relevant to the objectives set out by Applicant's claimed invention. In light of the foregoing differences identified between the alleged prior art references and Applicant's claimed invention, the conclusion that Applicant's claimed invention is directed to obvious subject matter is severely lacking in support. There is no convincing line of reasoning provided in the Office Action suggesting why one of ordinary skill in the art would have found a system configured to provide real-time pharmacy services to be obvious in light of the data management systems taught in Mayaud and Joao. Therefore, Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. §103(a) has not been properly established.

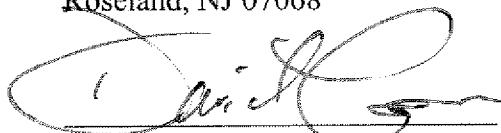
Accordingly, Applicant submits that the claimed invention as defined by amended independent system claim 1, claims 2-16 which depend therefrom, and independent method claim 17, claims 18-27 which depend therefrom, are not obvious from the combined teachings of the foregoing alleged prior art references and are now in allowable form. Applicants further submit that the aforementioned deficiencies present in foregoing alleged prior art references apply with equal force to newly submitted claims 28-30 and, therefore, these claims are also considered to be in allowable form.

For at least the reasons set forth above, this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this patent application are respectfully requested.

If it will advance the prosecution of this patent application, the Examiner is urged to telephone (973.597.6326) Applicant's undersigned representative. All written communications should continue to be sent to the address on record provided below.

Respectfully submitted,

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